

40-O-04

AN ORDINANCE

**Granting a Special Use for a
Religious Institution at 2401 Brummel
Place in an I2 Industrial District**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on March 2, 2004 pursuant to proper notice in case no. ZBA 04-09-SU (R) to consider an application by Vineyard Christian Fellowship of Evanston, contract purchaser, with written permission from Center Point Properties Trust, property owner, for a special use pursuant to Section 6-14-3-3, a religious institution in a principal structure having a minimum of 35,000 square feet at 2401 Brummel Place, in an I2 Industrial District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for special use met the standards for special uses set forth in Section 6-3-5-10 of the Zoning Ordinance; and

WHEREAS, the Planning and Development Committee of the City Council considered the ZBA's findings and recommendation at its March 22, 2004, and April 13, 2004, and April 26, 2004 meetings and recommended City Council approval thereof with modifications; and

WHEREAS, the City Council considered the respective records and recommendations of the ZBA and the Planning and Development Committee at its March 22, 2004, April 13, 2004, and April 26, 2004 meetings, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: The foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the City Council hereby adopts the ZBA's record, findings, and recommendation, and the Planning and Development Committee's record, findings, and recommendation, and hereby approves the special use applied for in case no. ZBA 04-09-SU (R), on property legally described in Exhibit A attached hereto and made a part hereof, commonly known as 2401 Brummel Place, Evanston, Illinois.

SECTION 3: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions on the grant of a special use, the following conditions are hereby imposed. When necessary to effectuate said conditions and limitations, "applicant" shall be read as "owner" or "operator".

- A. Development and use of the subject property shall be in substantial compliance with all applicable legislation, with the testimony and representations of the applicant to the ZBA, Planning and Development Committee, and City Council, and with the approved plans and documents on file in this case.
- B. Prior to the issuance of a zoning certificate of compliance, Applicant shall provide the City's Zoning Division with a copy of a recorded deed evidencing Applicant's ownership of the subject property.
- C. Prior to the Issuance of a Certificate of Zoning Compliance, the Applicant shall submit to and receive the approval of, a long-term lease for a lot located not more than 1,000 feet from the subject property which Applicant shall use to provide required parking for which spaces are not available on the subject property. The Applicant must maintain such lease or provide evidence satisfactory to the Zoning Administrator of an alternative which meets the requirements of Section 6-16-2-1 (B) as a condition to this grant of special use.
- D. The Applicant, after consultation with the City Traffic Engineer and subject to his recommendations, shall cause all vehicular traffic

entering and leaving the subject use to use the signalized intersection at the southwest corner of the Howard Hartrey Subdivision across the Jewel Driveway Easement Parcel as described in an Easement and Restrictions Agreement recorded in the Office of the Cook County Recorder of Deeds on October 19, 1993, as document # 93-840922, which document is attached as Attachment 2. Applicant shall further cause all such traffic entering and leaving the subject use to avoid use of the private street known as Brummel Place for ingress from or egress to Hartrey Avenue. In furtherance of this condition, Applicant may place movable horses and signs, in locations given written approval by the City Traffic Engineer, before and after Sunday church services and before and after all other activities at the subject use.

- E. The Applicant, subject to the recommendations of the City Traffic Engineer in consultation with the property owners of the aforescribed Jewel Driveway Easement Parcel, shall seek establishment of an additional vehicular access driveway connecting the parking area described in Attachment 3 with the Jewel Driveway Easement Parcel described in Attachment 2. The Zoning Administrator may periodically request written evidence of Applicant's continuing good faith efforts to obtain this additional driveway. The Applicant shall provide the requested information within thirty (30) days of the date of the Zoning Ordinance's letter.
- F. The Applicant shall establish a non-exclusive perpetual easement for vehicular and pedestrian ingress and egress over, across and upon the south 20 feet of parcels 1 and 2 of the subject property for the benefit of lots 1 and 2 of the Brummel Place Subdivision. Applicant shall provide the Zoning Administrator with a copy of said easement recorded with the Office of Administrator of the Cook County Recorder prior to issuance of building permit.
- G. The Applicant shall resurface the parking area legally described in Attachment 3 in accordance with applicable legislation and regulations, and meeting or exceeding best engineering practices and standards, as follows:
 - 1. North Half of Parking Area:

Year 1:

- a) Clean, route cracks, crackseal, seal coat, and restripe north half of the MWRD site.
- b) Construct the new driveway access to Kedzie-extended.
- c) Clean the existing sewers, throughout the lot, to improve drainage.
- d) Remove perimeter fence; construct gates.

Year 2 and 3:

- a) Inspect and repair any area of deterioration. It is likely that some patching will be required, due to frost action, primarily.

Year 4:

This may be extended a year or two, depending upon the severity of the winters and the life of the pavement surface. Same program as Years 2 and 3. Reassess each Spring to determine if conditions warrant accelerating the Year 5 schedule.

Year 5:

- a) By this time, sealcoating will no longer be effective
Pulverize the existing North-half surface. (Crush and compact)
- b) Undercut and replace any soft areas.
- c) Regrade and compact stone, pave with a total of 1,800 tons of BC Binder, and surface the area.
- d) Re-clean sewers.
- e) Stripe parking and paint directional arrows, stop lines, and similar traffic aids on surface.

2. South Half Parking Area:

- a) The Applicant will de-weed and re-seal the surface during the first year after grant of this special use. Thereafter, the Applicant will continue to remove weeds and keep this South Half re-sealed.
- b) Prior to allowing the parking of vehicles on this portion of the parking area, the Applicant will prepare and maintain the surface in accordance with the requirements applicable to the North Half.

3. The Applicant will keep the entire parking area in a clean condition, free of trash and garbage.

4. In the event the MWRD notifies the City in writing that any of the requirements of this Section 3.F. are contrary to the applicant's lease, the applicant shall be excused from observance of that requirement.
- H. The Applicant has submitted a landscaping plan and received approval thereof from the Site Plan and Appearance Review Committee ("SPAARC") on April 21, 2004, for the parking area legally described in Attachment 3. Said landscaping plan must comply with the conditions imposed by the SPAARC any conditions imposed after review by the Superintendent of Parks and Forestry Department. The Applicant has agreed that any plant planted pursuant to said plan that dies or fails to thrive (each a "Failed Plant") shall be replaced during the earliest available planting season thereafter. If Applicant shall not so replace the Failed Plants, Applicant shall pay \$500.00 to the City. The procedure in connection with the Failed Plants shall be as follows:
1. The City shall notify Applicant in writing of it's obligation to replace a Failed Plant or Plants (the "Landscape Notice").
 2. Within thirty (30) days after the date of the Landscape Notice, Applicant shall either (i) replace each Failed Plant, or (ii) if a replacement therefor is not available or if the weather does not permit planting within the replanting period, notify the Zoning Administrator in writing (the "Extension Notice") of the circumstances preventing it from re-planting a Failed Plant and its reasonable estimate of the time in which a replacement plant will be available and/or the weather will permit planting. In no event shall the Replanting Period shall be more than two hundred seventy (270) days from the date of the Landscape Notice (the "Extended Replanting Period"). If the City disapproves the Applicant's estimate, the City and Applicant shall attempt to achieve an agreed-upon time for replanting, which time shall be referred to as the Extended Replanting Period. In the event the City and the Applicant fail to agree, the City's decision shall be controlling. If the Applicant shall fail to

replant a Failed Plant within the Replanting Period or the Extended Replanting Period, if applicable, then Applicant shall pay the City \$500.00 within thirty (30) days after expiration of the Planting Period or Extended Planting Period, as applicable.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 22, 2004

Adopted: April 26, 2004

Approved:

May 3, 2004
Louane H. Martin
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel